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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: CHAIN

Application No.: 09/868,501

Conf. No. 1260

Filed: September 26, 2001

For: INCREASING BRAIN GLUCOSE UTILIZATION

Art Unit: 4461614

Examiner: P. Spivack

Washington, D.C.

Atty.'s Docket: CHAIN=4A

Date: January 22, 2004

THE COMMISSIONER OF PATENTS
2011 South Clark Place, Mail Stop Non-Fee Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Transmitted herewith is a ☐ Amendment ☒ Response
in the above-identified application.

☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

☒ No additional fee is required.

☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 30	MINUS	** 30	0
INDEP.	* 1	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 43	\$
+ 145	\$
ADDITIONAL FEE TOTAL	
\$	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 86	\$
+ 290	\$
TOTAL	
\$	

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within
☐ First - \$ 55.00
☐ Second - \$ 210.00
☐ Third - \$ 475.00
☐ Fourth - \$ 740.00
Month After Time Period Set

Other Than Small Entity
Response Filed Within
☐ First - \$ 110.00
☐ Second - \$ 420.00
☐ Third - \$ 950.00
☐ Fourth - \$ 1480.00
Month After Time Period Set

☐ Less fees (\$) already paid for month(s) extension of time on .

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$.

☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.

☐ A check in the amount of \$ is attached (check no.).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: CHAIN=4A

In re Application of:)	Conf. No.: 1260
)	
Daniel G. CHAIN)	Art Unit: 1614
)	
Appln. No.: 09/868,501)	Examiner: P Spivack
)	
Filed: September 26, 2001)	Washington, D.C.
)	
For: INCREASING BRAIN GLUCOSE)	January 22, 2004
UTILIZATION)	

RESPONSE

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Non-Fee Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

This communication is responsive to the official action of December 22, 2003. Claims 1-30 presently appear in this case. No claims have yet been examined on the merits. The claims have been subject to an election of species requirement. Prompt consideration on the merits and allowance are hereby respectfully urged.

The examiner states that claims 1-30 are generic to a plurality of disclosed patentably distinct species comprising an agent that improves insulin sensitivity in the brain and requires that a single disclosed species be elected

Appln. No. 09/868,501

Response dated January 22, 2004

Reply to Office action of December 22, 2003

for examination. Applicant hereby elects the species of insulin sensitizers as the species to be examined. If necessary, the ultimate species thiazolidinedione is elected; and more particularly, troglitazone.

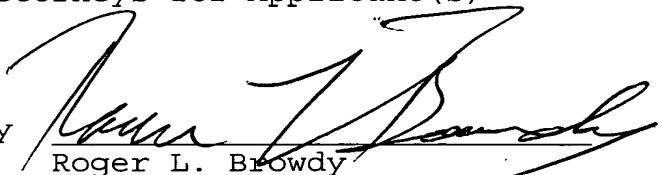
It is understood that once the elected species is found to be allowable, a reasonable number of the remaining species will then be fully examined in this case.

Prompt consideration on the merits and allowance of all of the claims now present in the case is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
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